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PTO/SB/21 (04-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission 5

Application Number

10/043,010

Filing Date

1/11/02

First Named Inventor

Bushinsky

Art Unit

1763

Examiner Name

Unknown

Attorney Docket Number

8076

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OFFICE OF PETITIONS**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form
 Fee Attached
- Amendment/Reply
 After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____

Remarks

Request for Reconsideration of Petition
under 37 C.F.R. 1.181 (2 pages)

- After Allowance communication to Technology Center (TC)
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

David W. Schumaker

Signature

D.W.S.

Date

8/17/04

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Typed or printed name

David W. Schumaker

Signature

D.W.S.

Date

8/17/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Ovshinsky AUG 19 2004
 Serial Number: 10/043,010
 Filing Date: 01/11/2002
 Group Art Number: Office of Petitions
 Examiner: Senior Petitions Attorney Christina Tartera Donnell
 Title: FOUNTAIN CATHODE FOR LARGE AREA DEPOSITION

OFFICE OF PETITIONS

Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450
 Attention: Office of Petitions,
 Senior Petitions Attorney Christina Tartera Donnell
 VIA FACSIMILE: 703-872-9306

5 pages are being transmitted (including this cover sheet).

I hereby certify that the below listed correspondence is being transmitted via fax to:
 Commissioner for Patents, via the above Facsimile Phone No.

on August 17, 2004.
 Date

Transmitted herewith is: A Transmittal Form (PTO/SB/21), Fee Transmittal (PTO/SB/17), and
 Request for Reconsideration of Petition Under 37 C.F.R. 1.181 for Withdrawal of Holding of
 Abandonment (2pages).

Signed: 

David W. Schumaker (R. 35,017)
 248-299-6047

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Our Reference: 2076

AUG 17 2004

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ovshinsky et al.

Serial Number: 10/043,010

Filing Date: January 11, 2002

Examiner/Group Art Unit: Unknown

Title: **FOUNTAIN CATHODE FOR LARGE AREA DEPOSITION****OFFICIAL**

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 Commissioner for Patents
 PO Box 1450
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 Attention: Senior Petitions Attorney Christina Tartera Donnell

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AUG 19 2004

OFFICE OF PETITIONS

Request for Reconsideration of Petition Under
37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment

Sir:

This is a request for reconsideration of the decision dismissing applicant's petition for withdrawal of holding of abandonment under 37 C.F.R. 1.181 (originally mistakenly filed as a petition under 37 C.F.R. 1.137(b) to revive an abandoned application).

The Office contends that the timely filed declaration (in response to the "Notice to File Missing Parts of Nonprovisional Application") did not include the sole inventor's country of citizenship. However, the declaration does state the inventor's country of citizenship (i.e. the United States of America) at lines 1-2 thereof. Thus, the previously submitted petition to withdraw the holding of abandonment under 37 C.F.R. 1.181 is properly supported by the previously submitted evidence.

Adjustment date: 08/27/2004 AKELLEY
 06/17/2004 CKHLOK 00000002 051068 10043010
 01 FC:1453 1330.00 CR
 08/27/2004 AKELLEY 00000006 051068 10043010

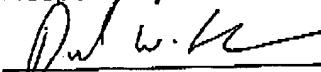
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Applicant requests that the previously submitted petition for withdrawal of abandonment under 37 C.F.R. 1.181 be granted and that any fees for the petition under 37 C.F.R 1.181 be charged to our deposit account 05-1068. Applicant further requests that the previously charged fee of \$1,330.00 for the petition under 37 C.F.R. 1.137(b) be credited to our deposit account 05-1068. Finally, applicant requests that the earlier filed response to the "Notice to File Missing Parts of Nonprovisional Application" and the concurrently filed request for one month extension of time be processed and that any fee's required therefor be charged to our deposit account 05-1068.

In conclusion, the dismissal of applicant's petition under 37 C.F.R. 1.181 is in error and should be withdrawn.

Respectfully submitted,



David W. Schumaker
Reg. No 35,017

Date: August 17, 2004
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